

### **Remarks/Arguments**

In the non-final Office Action dated December 10, 2008, it is noted that claims 1-20 are pending; that claims 1-6 and 10-20 stand rejected under 35 U.S.C. §102; that claims 7-9 stand rejected under 35 U.S.C. §103; that objection has been raised with respect to the drawings filed on February 21, 2006; that the claim for foreign priority under 35 U.S.C. §119 has been acknowledged; and that all certified copies of the priority documents have been received.

#### ***Objection to the Drawings***

Objection has been raised with respect to the drawing for failing to comply with the requirements of 37 C.F.R. §1.84(o). The grounds of this objection are respectfully traversed.

It is believed that legends are not statutorily required for drawings filed in a non-provisional patent application. The requirements in 37 C.F.R., applicable to drawings, do not appear to have any mandatory requirements for legends in drawings.

The drawings correctly depict the various embodiments utilized to disclose the subject matter defined in the specification and claims. The specification references each and every element in the drawings. Moreover, the specification provides a full and complete definition and explanation of each element in the drawings, as well as the flow or connectivity between elements. Although the lack of legends or other descriptors in the drawings may be inconvenient to the reader, there does not appear to be any loss of understanding about the operation or function of these elements since the drawings are read together with the specification.

In view of the comments above, it is submitted that any possible attempt to include a legend of any sort for an element in the drawings at this point would pose a risk by possibly improperly or incompletely characterizing a particular element in the drawings because the legend applied thereto was too brief. It is therefore requested that this objection be withdrawn.

#### ***Cited Art***

The cited art applied in the present Office Action includes: an article by Hartung et al., entitled “*Spread Spectrum Watermarking: Malicious Attacks And Counterattacks*”, published January 1999 in Proceedings Of The SPIE - The International Society For Optical Engineering, USA, Vol. 3657, pages 147-158 (hereinafter referenced as “*Hartung*”) and Caldelli et al., “*Authorized MPEG-4 Video Fruition Via Watermarking Recovering And Smart Card*

*Certification*", published January 2003 in Proceedings Of The SPIE – The International Society For Optical Engineering, USA, vol. 4793, pages 57-63 (hereinafter referenced as "*Caldelli*").

***Rejection of Claims 1-6 and 10-20 under 35 U.S.C. §102***

Claims 1-6 and 10-20 stand rejected under 35 U.S.C. §102 by Hartung. This rejection is respectfully traversed.

Claims 1, 13, 19, and 20 are independent base claims. Claims 19 and 20 are apparatus claims corresponding substantially to method claims 1 and 13, respectively. Claims 2-8 and 10-12 are dependent ultimately from claim 1, whereas claims 14-17 depend ultimately from claim 13. The independent claims include substantially similar limitations. In view of this similarity and for the sake of brevity for this response, the following remarks will be addressed to claims 1 and 13, but should be understood to pertain equally to the other independent claims.

Claim 1 calls for,

*A method for detecting a watermark in content, comprising the steps of:*

*utilizing only a subset of candidate counter watermark detection techniques for each time interval from a set of available counter watermark detection techniques; and*

*searching for a watermark utilizing one or more of said subset of candidate counter watermark detection techniques.*

Hartung does not teach, show, or suggest a technique that utilizes "only a subset of candidate counter watermarks detection techniques for each time interval". Additionally, Hartung does not teach, show, or suggest a technique that searches "for a watermark utilizing one or more of said subset of candidate counter watermarks detection techniques". Hartung does not create a subset of his techniques or operations such as shift, rotation, zoom, and the like. Hartung collects all the techniques or operations together and uses them all on each and every block of data. Hartung has not teaching or suggestion to select a subset of the techniques and utilize that subset for each block or time interval.

Hartung defines modifications as the collection of "all possible combinations of shift, rotation, zoom, etc." *See Hartung at Section 4.4.1 on page 154.* These modifications are all applied to each block. *Ibid.* Thus, Hartung utilizes all the available counter watermark detection techniques for each block. That is clearly equivalent to using all the available techniques in each time interval. But, it is not the claimed limitation of "utilizing only a subset ... for each time interval" from claim 1. Thus, Hartung fails to teach all the elements of claim 1.

Hartung states that, “[f]or each of the blocks, all possible combinations ... are applied”. *Ibid.* This language makes it clear that every technique known to Hartung is brought to bear on each block of data for finding the watermarks. It is not of subset of Hartung’s techniques that are used to search for the watermark. Thus, Hartung does not teach, show, or suggest, “searching for a watermark utilizing one or more of said subset of candidate counter watermark detection techniques”, as defined in claim 1. Thus, Hartung fails to teach all the elements of claim 1.

Claim 13 calls for,

*A method for detecting a watermark in content, comprising the steps of:  
randomly selecting a counter watermark detection technique from a set of  
available counter watermark detection techniques; and  
searching for a watermark utilizing said selected counter watermark detection  
technique.*

Hartung does not teach, show, or suggest that there be a random selection of the counter watermark detection technique used to search for the watermark. Instead, Hartung collects all the techniques as modifications and applies the complete set of modifications in the search for the watermark described in his paper. There is no randomness in Hartung’s approach when each block is searched with all the techniques and operations collected by Hartung. Thus, Hartung fails to teach all the elements of claim 13.

For the reasons set forth above, it is submitted that independent claims 1, 13, 19, and 20 and the claims dependent thereon would not be anticipated by Hartung and would not have been obvious to a person of ordinary skill in the art upon a reading of Hartung, either separately or in combination with the other known references. Thus, it is believed that claims 1-6 and 10-20 are allowable under both 35 U.S.C. §102 and 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

#### ***Rejection of Claims 7-9 under 35 U.S.C. §103***

Claims 7-9 stand rejected under 35 U.S.C. §103 as being unpatentable over Hartung in view of Caldelli. This rejection is respectfully traversed.

Claims 7-9 depend directly from claim 1, discussed above. These claims therefore include all the limitations of independent base claim 1.

Even if the teachings of Caldelli are assumed to be correct and applicable to Hartung as suggested in the present Office Action, an assumption with which Applicants neither agree nor

acquiesce, the Caldelli reference would still not cure the defects in the teachings of Hartung as noted above with respect to the limitations from claim 1 that are included in claim 7-9.

In view of the remarks above and with respect to claim 1, it is submitted that the combination of Hartung and Caldelli fails to teach all the elements of claims 7-9. In light of these remarks, it is believed that claims 7-9 would not have been obvious to a person of ordinary skill in the art upon a reading of Hartung and Caldelli, either separately or in combination. Thus, it is submitted that claims 7-9 are allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

### ***Conclusion***

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

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